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## SPEECH

OF

## MR. PIERCE, OF NEW HAMPSHIRE,

UPON

*Mr. Buchanan's resolution calling upon the President to furnish the names of persons removed from office, and of those appointed, since the 4th of March last. Delivered in the United States Senate, July 1st and 2d, 1841.*

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MR. PRESIDENT: Although I could not, with my convictions of what belonged to myself as an American Senator, and to the friends with whom I usually act here, accept the offer to proceed in this debate as a matter of favor, still I appreciate the kind feelings of the Senator from North Carolina (Mr. MANGUM) towards me personally, and thank him for waiving his motion to lie upon the table, and thus leaving us to exercise the poor privilege of discussing this interesting subject during the *morning hour*.

After the full and satisfactory exposition yesterday and the day before by the Senator from Illinois, (Mr. McROBERTS,) I should, probably, have relinquished the design of taking a part in the debate, especially in the present stage of it, but for a paragraph which I noticed in the National Intelligencer yesterday morning, in the following words:

"The opposition papers continually accuse the whigs of violating their professions, now that they have come into power; and yet these very same papers loudly protested a year ago that the whigs had no principles but 'hard cider,' and made no professions, but were voting for their candidates 'without a why or wherefore.' The writers of these stories must rely upon the credulity, and very little upon the memory, of their readers."—*Providence Journal*.

Now, sir, we will see who have relied upon the *credulity* of the people, and who are still persevering in their attempts to impose on that *credulity*. While removals are taking place with unparalleled rapidity, the names of the men removed and of those appointed are not chronicled from week to week in the Government paper, as was the case during the late administration; but articles like this are circulated far and near, calculated to fix the impression attempted to be made upon the public mind pending the late Presidential election, that our arguments were fallacious—our professions insincere—our assertions baseless. What accusations did we bring against you? What did we claim for ourselves? I answer, for one, sir: I declared publicly, every where, when I had occasion to address my countrymen in small or large assemblies, that you had but one common ground—

opposition to the then administration ;—that your army of leaders, from the captains of twenties upward, who cheered on in your unprecedented displays and your boisterous movements, were animated by one common impulse—hostility to the democratic party and democratic principles, coupled with ambition for place and expectation of preferment ;—that you had no common platform of *principles*—no leading measures of national importance, and involving the great national interests, which you *dared* to present to the American people either in addresses or resolutions from the conventions at Harrisburg or Baltimore—none which you *could* present, without at once breaking up and distracting the heterogeneous materials of which your party was composed.

So far from saying that you “made no professions,” we declared that you had them prepared, by concert and arrangement, of every complexion and hue, of all sorts and descriptions, suited for every meridian ;—assertions and *professions* designed to reach the passions and the prejudices of every neighborhood where they were to be promulgated. It was with you, we asserted, a contest in which great principles were kept studiously in the back ground ; while policy, expediency, *ad captandum* arguments, were doing their work in each State, according to the peculiar interests and opinions of its people. There were, it is true, some assertions and professions suited to all portions of the country, and resorted to on all occasions. Among them, the standing-army humbug,—the charge that we desired to reduce the wages of the honest laborer, and reduce the laborer himself to the condition of the serfs of Russia,—that the administration had already, by its improvidence, its extravagance, and its profligacy, run the nation in debt more than thirty millions of dollars. I listened to my honorable colleague with unfeigned pleasure, when he wrung from the administration the other day the unwilling admission that this last charge—most of all harped upon during that canvass—was baseless, a mere “*phantom* of the imagination.” While meeting these assaults and professions before the people, we bore aloft, wherever we went, the constitution, the resolutions of 1798, and the received opinions of the fathers of democracy, as applicable to the great questions which we knew must agitate, and which are now agitating, Congress and the country. We were wofully, fearfully beaten, but we were not routed ; we stood upon the field at the close of the conflict, with three hundred thousand more democratic legal voters than had ever before, in any single election, exercised the right of freemen at the polls. Routed ! No, sir. Nor disheartened. We are now here, upon this elevated ground, as the representatives of eleven hundred thousand intelligent, patriotic, *legal* voters, to renew the contest upon those great issues which we strove, but strove in vain, to bring distinctly before the people in their popular meetings—issues upon the determination of which we in our hearts believe rest the liberties of this country. The subject of the resolution of the Senator from Pennsylvania (Mr. BUCHANAN) had no slight influence in that contest, and I thank the Senator from South Carolina (Mr. PRESTON) for his interposition. Let the debate go on, he says ; let it have its fullest latitude ; and, as I understood him, he and his friends will undertake to show that they have not departed from the principles which they have avowed in relation to removals from office. Sir, they shall receive no injustice at my hands. If I shall be so unfortunate as to err in any matter of fact or deduction, while I shall regret the error, it will afford me pleasure to give the prompt correction.



I trust, Mr. President, that we shall not be denied the information sought by the resolution, and that it may not be embarrassed by another call that must inevitably occupy much time at the departments, and can be of no possible weight, so far as the *professions* of this administration and its *practice* are concerned. The information will be interesting and useful, not only here, but to the whole country; and, unless statements made to me upon high authority are singularly incorrect, I shall be able, with the contemplated report before us, to impart some additional information that can hardly fail to be of interest, particularly to the Senator from North Carolina, (Mr. MANGUM;)—information connecting itself with rights and interests dear to his constituents, and at the same time with the action of the Executive here, particularly with one of the departments. I deal in no mysteries, and will state the nature of the information to which I allude. In the State which I have the honor in part to represent, there are, as appears by the returns of the late election, about twelve hundred abolition voters, in a poll of between fifty and sixty thousand; and yet, small and inconsiderable as that party is in point of numbers, they are so peculiarly the favorites of this administration, that when removals have occurred the vacated places have been filled by zealous and prominent members of that faction. What is most remarkable, democrats alone have not been removed to give place to them. I give an instance—place and names—with the view that if I have been led into error, and do injustice to the department, I may be readily corrected. At Haverhill, one of the most considerable towns in that State, William Barstow, a worthy and competent officer, and a consistent friend of the late President, of long standing, has been displaced as deputy postmaster; and Timothy K. Blaisdell, a conspicuous abolitionist, and active in the capacity of secretary of the Abolition Society for Grafton county, in fomenting and stirring up agitation to excite prejudice and hostility against the institutions and people of the south, has been appointed in his place. I refer to this, as an individual instance. When we shall be furnished with the list called for, I will point gentlemen to other and more important cases, illustrative of the feelings of the *appointing power* toward this faction in New England. I will show that those men who have labored in and out of season, *by all means*, to put down Mr. Van Buren's administration, especially on the ground that he declared in advance, in his inaugural address, that he would veto any bill the object of which should be to abolish slavery in this District, are the especial favorites of the power to which has been committed, to a great extent, the destinies of this nation. I will show that while the party with which it is my pride and pleasure to be associated in New Hampshire has, without a division, with united energy, with one voice, and with one heart, in their individual capacity as citizens, and through their representatives in the General Court assembled, declared in the strongest terms in favor of putting down this politico-religious fanaticism, and against any interference with those rights secured to our southern brethren by that instrument—which I trust is destined to outlive, and outlive unimpaired and unshaken, all factions in one end of the Union or the other—have been removed from positions of responsibility and trust, the faction of which I have spoken have been freely rewarded with public confidence and emoluments; and thus have been held out to them, not only encouragement, but urgent stimulants to persevere in their incendiary measures. I cannot believe that my southern friends on the other side are as yet aware of this. I impute to them no fault—except, perhaps, the want of vigilance. As yet, I

impute to the President no other blame ; his eye cannot penetrate everywhere ; his judgment cannot be expected to act upon every case ; he must, in the nature of things, depend, to a great extent, upon his constitutional advisers ; and he has invited to their acts, so far as removals and appointments are concerned, our strictest scrutiny. But let this pass for the present. It is a subject which, now and hereafter, shall be left to the disposition of southern gentlemen, so far as I am concerned. If they think it proper and expedient, from political considerations, or to carry out any *pledges*, that fuel be thus added to the flame, which we have sincerely, earnestly, and in a spirit of disinterestedness and patriotism, exerted ourselves to stifle, and, if possible, to extinguish,—we certainly—I, for one, at least—shall not stand in their way. What I say is, if they will, in the blindness of party zeal, sow the seed, they must expect to reap the fruit. There has been much discussion within the last few years in relation to prohibiting the circulation of incendiary abolition documents through the United States mail. Now, sir, let me say this to southern gentlemen,—when they commit the care and keeping of that mail, through executive patronage, to the most active and efficient partisans in the abolition movement, the nation will judge of their sincerity. The democracy of the north will judge how far it becomes them to make exertions and sacrifices in resisting the advancement of a cause, which you are, through the instruments of your own creation, patronising and promoting.

One word more—a word of warning ! Great elements are at work upon this fearful question ; not in the non-slaveholding States alone, or chiefly. The present apparent repose will prove illusory. There is below the surface, which attracts the notice of the superficial observer, a deep, profound movement, receiving its strongest impulse from the other side of the ocean, which is, I fear, destined in some future struggle to operate frightfully upon the southern division of this continent, and perhaps shake the Union to its centre. Who that has turned even a careless glance upon the action of the British empire within the last ten years can doubt it ? Who so stupid as to have noticed the military operations of that Government—the thorough organization of large bodies of black troops in Canada and the West Indies under white commanders—without perceiving the natural, if not inevitable, results that will grow out of a change in the attitude of the two nations, which, at this moment, there is too much reason to apprehend ?

Other points there are, connected with this subject of removals, interesting to the whole country—to a confiding people, who were induced to anticipate what they will not realize—who became, I deplore to say, the dupes, the too willing dupes of professions, in some instances, never *designed* to be operative beyond the occasion on which they were uttered ; *protestations* and *professions* of no recent origin, but deliberately put forth ten years ago, in the form of solemn resolutions, denying the *constitutional power* of the Executive ; and, so far as man could judge, their truth and soundness seemed to have gained strength in the minds of their authors by subsequent calm observation and reflection. Let it be observed that this has not been, in the minds of the prominent leaders of the present administration, a mere question of policy and expediency, on which opinions might change with a change of circumstances ; but a question resting upon the immutable basis of constitutional right.

Mr. President, when the hour for the standing order arrived yesterday, I was about to proceed with references to the journal of this body, and



speeches delivered upon this floor and elsewhere, to show what were the opinions of the leading supporters of the present administration in relation to the *constitutional* power of the Executive to remove from office, and also in relation to the policy and expediency of the exercise of such power, even if it were admitted to exist. The remarks which have been made on the other side, especially the declarations of the Senators from North and South Carolina, (Mr. MANGUM and Mr. PRESTON,) ought, perhaps, to induce me to take all these principles and opinions of their party as fully admitted at this time. The former gentleman said that he and his friends would be prepared to show that no officer had been removed, "unless he was incompetent, unfaithful, or a political brawler." The latter, that they had not departed from the principles they had professed. Now, sir, I take issue with the gentlemen upon this point, and assert as a fact, which I pledge myself to prove to the country, if they will give us the open doors, (which I have no doubt they will,) that they have removed men *competent, faithful, and no political brawlers*, and have supplied their places by the appointment of men who are notoriously bankrupt in all the qualities which should be required in a public officer. I do not allude to individual cases now; the proper time for that will come; and the very names of some of the men to whom I could refer are, in consequence of disclosures before a judicial tribunal of the land, the most expressive terms for all that is base and infamous. This is strong language, Mr. President; not merely justified, but demanded, from the spirit of unshrinking truth and liberty, by the facts and the occasion. I shall proceed then, sir, dull and uninteresting as I know these things are here, to read from your journals and speeches, without, perhaps, a single comment. They are known here, and admitted; but will be flatly denied, as other facts equally palpable have been, in the country whence I come. I leave out the great mass of evidence, and propose to embody only enough incontestibly to establish my position. I find upon your journals the following resolution, presented to this body in 1830, by a man who now occupies the place which has for the last four years been filled with distinguished ability by an individual whom it was my good fortune to know slightly in my boyhood. The resolution was introduced by Mr. Holmes, Senator from Maine, and is in these words:

"*Resolved*, That the President of the United States, *by the removal of officers*, (which removal was not required for the faithful execution of the law,) *and filling the vacancies thus created in the recess of the Senate*, ACTS AGAINST THE INTERESTS OF THE PEOPLE, THE RIGHTS OF THE STATES, AND THE SPIRIT OF THE CONSTITUTION."

Will any man say that Joseph Howard was "incompetent, unfaithful, or a political brawler?" Not at all. His political opponents cannot fail to bear—I believe they will bear willing testimony to his pure, estimable, and elevated character, both in public and private life; and yet the man who deliberately declared, by a resolution upon this floor, that such a removal was "*against the interests of the people, the rights of the States, and the spirit of the constitution*," at this moment occupies his place. But, sir, proposing as I do to group together the opinions of this consistent, patriotic party, as they are presented in their resolutions and speeches, I must not indulge in remarks which will suggest themselves to every reflecting mind.

In January, 1832, Mr. Ewing, the present *accurate* Secretary of the Treasury, submitted the following resolutions:

"*Resolved*, That the practice of removing public officers by the President, for any other purpose than that of securing a faithful execution of the laws, is hostile to the spirit of the con-

stitution; was never contemplated by its framers; is an extension of Executive influence, is prejudicial to the public service, and dangerous to the liberties of the people

"Resolved, That it is inexpedient for the Senate to advise and consent to the appointment of any person to fill a supposed vacancy in any office occasioned by the removal of a prior incumbent, unless such prior incumbent shall appear to have been removed for sufficient cause."

The principles thus advanced were ably sustained by the mover, and most of the prominent men of his own party, in speeches; by all of them, I believe, in opinion.

In March, 1834, the distinguished Senator from Kentucky introduced the following, with a series of resolutions upon the same subject:

"Resolved, That the constitution of the United States does not vest in the President power to remove at his pleasure officers under the Government of the United States, whose offices have been established by law."

The honorable Senator, in supporting his resolutions, said "they presented subjects of grave inquiry and of deep importance, involving the purity of the administration, if not the very durability of the Government. The three first resolutions assumed that the constitution gave no power of removal from office by the President of the United States, at his pleasure."

And again: "It was a settled axiom in the Government, that a standing army was dangerous in time of peace. That is, such an army as, being distinguished by their dress from the rest of the community, was capable of being seen and estimated. But how different from this was this army of forty thousand men, dispersed over the whole country, and obeying one common impulse, ready to rally around and carry into effect the purposes and objects of the Government; and how much more dangerous than that army against which the fears of the people have been directed. And the time would come when, if it was not soon checked, it would as certainly decide the succession to the Presidential chair, as the *Prætorian band* of ancient Rome decided on the disposition of the imperial crown. He hoped gentlemen would turn their attention to the subject seriously, examine the constitution carefully, and not entrench themselves behind one solitary precedent."

In the same year President Tyler said: "I have argued these questions [of executive power] without reference to the power of removal. Upon the nature of that power great differences of opinion have always existed. I find, in No. 47 of the *Federalist*, p. 437, Alexander Hamilton reasoning upon it as an admitted fact, that the consent of the Senate was required both to appoint and remove. And in the debate which took place in 1789, exalted names are found on both sides. I mean only so far to express an opinion upon it as to say, that, if properly exerted to get rid of incompetent or unfaithful agents, it is beneficial in its results. *But if used merely to reward favorites and to punish opponents—if the offices of the Government shall be considered as 'SPOILS,' to be distributed among a victorious party,—then indeed, sir, the consequences are most fatal; all stability in Government is at an end; novices are introduced in the place of long-tried, experienced, and faithful public agents; and the public interests suffer, and suffer severely.* Nor is this all: the acrimony of political conflicts increases to an extent truly alarming. The public mind is kept continually agitated, and, to obtain a little quiet, *the people may sooner or later be brought to change their form of government.* The Presidential power is thereby swollen *beyond all just bounds; opening perpetually on the hopes and fears of men, his will becomes law.* Nor would there be a secure refuge in the courts of justice. True, he cannot evict the judge; but, by his power over the marshal, HE COULD PACK THE JURY."



Now, Mr. President, I do not think it necessary to pursue these opinions further than to read an extract from a speech delivered by you, which it affords me great pleasure to quote on this occasion; and to the beauty and force of which generally I might be tempted to address some deserved compliments, did any gentleman other than yourself occupy that chair. In the winter of 1834, in this chamber, you spoke as follows: "Mr. President, if there does now exist in this country a power which can, by its single volition and word, relieve officers acting under the constitution and laws from their responsibility, and this with regard to the Treasury itself, *we already have an absolute unincumbered despotism*, beyond which no other can advance. What is despotism, but the existence, in the hands of a single individual, of the power and right to say to all subordinate agents, you are to act on my responsibility and by my opinion? Can the Russian go further? Can the Turk?" Questions for the answer to which I will refer to your executive friends, who are filling your table from day to day with "I nominate ——— in the place of ———, *removed.*"

Sir, these were not the ebullitions of high excitement in an animated debate; they were avowed in solemn resolutions, argued and voted upon as the deliberate doctrines of the party of which you are a most distinguished member.

But I must leave these constitutional opinions, which are now referred to by their authors as abstractions, (for which, by the way, they have no particular fancy just now,) and call your attention to declarations of a more recent date, uttered, as their friends and advocates most of them believed, in the ardor of full, sincere, patriotic hearts. What intelligent citizen of the country can have forgotten the perpetual din of "executive patronage," "executive usurpation," "worse than Turkish despotism," kept up unceasingly,—kept up through the twelve years of General Jackson's and Mr. Van Buren's administrations,—kept up with vigor until the memorable canvass of 1840, when it became more universal and clamorous than ever? But in that part of the Union where I reside, the stern notes of unsparing denunciation began to be mingled with those of joy and of expected triumph. *Proscription for opinion's sake was to be proscribed.* It rung not only in every township, but in every village and hamlet, however obscure. It was carried to the ears of the humblest peasant; and he was urged and implored by every consideration that belonged to liberty, and by every feeling of patriotism that stirred within him, to arouse from his lethargy, and drive out the usurpers who had trampled upon the constitution of the country and the rights of the citizen. That party, which had formally and solemnly denied the *power* of the National Executive to remove from office, was about to take the control; and an example was to be set, in relation to removals from office, that would not be lost upon our latest posterity. Over the country so much down trodden and oppressed by the administrations of General Jackson and Mr. Van Buren, and the alleged usurpations of both, the dawn of freedom was again breaking. Timid, weak, deluded men were asked to open their eyes upon this gleaming light, and assured that in a few short months the sun of freedom and of prosperity would burst upon them again in all the power of its meridian splendor.

This is no fancy sketch; it does not even approximate to the reality of what was done and said to mislead the public mind. Ten years hence, it will be regarded as too extravagant for the greatest stretch of human credulity. I therefore name an instance, to plant my foot firmly upon the

disgraceful fact. Among the innumerable exhibitions, no one perhaps had more prominence in the federal press of the day than that at Utica, N. Y. I name from recollection a few of the things particularly and conspicuously set forth. The procession was nine miles long; the banners almost infinite in number and devices; and the whole affair the most distinguished among that class of *arguments* presented to the intelligence and sober sense of the people of the Empire State. But that which was represented in the papers to have attracted the greatest notice and applause, was the personification of Mr. Van Buren, in the midst of the procession, seated upon a magnificent throne, with a crown upon his head, and the regal habiliments drawn gracefully around his person: behind him, upon another car of plain and simple architectural construction, was personated the late President of the United States, in the unpretending dress of a farmer, surrounded by other *personations*—war-worn veterans—disabled soldiers shaking him by the hand. And all this disgraceful appeal made to the eyes and senses, to put down that truly pure and great man, who in his life never forsook the interests of the people; who indeed sprung up by the force of his own high energies from the very bosom of the middling interest, and never in a single instance betrayed the trusts which at various times they have committed to his hands. This man represented, in the face of assembled thousands in his native State, as a haughty tyrant upon his throne; while, at the same time, another distinguished individual, whose whole political course at a period when his country, in a war with *real* tyrants, was bleeding at every pore—assailed by a colossal power—anxious—her very capital sacked—I will not stop—no, let me say *stoop*—to characterize—was in another part of that State, waving in menace his stalwarth arm, and, with assurance unparalleled, setting up *his* pretensions to the appellation of a *Jeffersonian democrat*.

“How strange is truth! stranger than fiction.”

Is there no burning shame for these things, now that the excitement of the occasion has passed away? Is not calm reflection at this moment, in the bosoms of a people intrinsically just and patriotic, as well as intelligent, fixing its brand upon those scenes where blind passion and vulgar rioting reigned? Let the November elections answer.

Language cannot present the point of absurdity to which things were carried. The dark day of “*executive usurpation*,” (it was proclaimed in the midst of these various exhibitions,) and of the *cringing* of office-holders, was approaching its sunset. The one was to be speedily disarmed of its power; and the other to go forth as a freeman, to follow the dictates of his conscience and his own honest impulses. He was to stand once more like an independent, honorable, and disenthralled man, among his fellow-men. But let these worthy and eloquent gentlemen speak for themselves.

In introducing authorities of a recent date upon the *policy* and *expediency* of removals from office for opinion’s sake, if we accomplish no higher object, we shall at least present plenary evidence of the political sagacity and wisdom of that Roman consul, who remarked that a “striking contrast was observable in the conduct of candidates for offices of power and trust before and after obtaining them—they seldom carry out, in the latter case, the pledges and promises made in the former.”

The first authority which I shall quote will not be questioned, and is made pointed and direct by a personal application. It is an extract from the late President’s speech at Cleveland, Ohio, in these words:



"I see over the way a public officer ; although he may oppose me, if he does so honestly and conscientiously, I shall be the last man to disturb him. Before I would remove him for a mere difference of opinion, *I would suffer my right arm to be severed from my body.*"

*Extract from his letter to Hon. J. M. Berrien.*

"I am opposed to the practice of making appointments to office the reward of partisan services."

*Extract from his letter to Hon. Harmar Denny.*

"Among the principles proper to be adopted by any Executive sincerely desirous to restore the administration to its original simplicity and purity, I deem the following to be of prominent importance : that, in removals from office of those holding appointments during the pleasure of the Executive, the cause of such removal should be stated, if requested, to the Senate, at the time the nomination of a successor is made."

"Office holders !" "office-holders !" "executive interference !" Many individuals holding office, I fear, covered under these *threats* and *promises* ; and forgot, in their trepidation, what belonged to them as freemen. If such have felt the axe,—for one, they have no sympathy of mine.

The present President of the United States, in a letter to certain gentlemen of the democratic party in South Carolina, pending the late canvass, after speaking of the reasons why he had confidence in William Henry Harrison, says : because he (General Harrison) "regards the public offices of the country as created for the benefit and advantage of the people, and not for the political advantage of the President ; and in that spirit utterly denies the *right*, on the part of the President, to remove from office one 'who is honest, capable, and faithful to the constitution,' to make way for another, whose chief recommendation is to be found in his being a noisy and clamorous demagogue and partisan."

And again, in his inaugural address—

"I will remove no incumbent from office who has faithfully and honestly acquitted himself of the duties of his office, except in such cases where such officer has been guilty of an active partisanship, or by secret means—the less manly, and therefore the more objectionable—has given his official influence to the purposes of party, thereby bringing the patronage of the Government into conflict with the freedom of elections."

Now, sir, this "secret means,—the less manly, and therefore the more objectionable !"—does it not occupy new ground, and take a sweep to cover every possible case that can be presented ? The President might not so have regarded it ; and so I will believe *for the present*, because the general sentiment I heartily respond to. The craven spirit that dares not utter its sentiments in the face of day, but strives to carry out its purposes under the cover of secrecy, *should* be the first to be visited always. But who does not perceive that the rule is boundless—that it has no limit in the Executive grasp ?

A few words with regard to the circular of the Jeffersonian democrat at the head of the State Department, sent forth to the people, under date of March 20, 1841.

Little notice as that paper attracted at the time, its author need indulge no apprehensions that it is to be ephemeral.

No, sir, no. If liberty shall not become a mere name, this bold invasion by the Executive of the rights of the *man* and the *citizen* will be invoked to arouse popular indignation in many a contest, long after your bones and mine will have mingled with our mother earth. Let the humble and perhaps dependent officer, whose eyes fall tremblingly upon this circular, turn them from it to the constitution of his country, and learn that every citizen of the republic, whether learned or unlearned, high or low, rich or poor, *in office* or in the walks of private life, is of right entirely unshackled in the exercise of thought and speech, so far as the elective franchise is concerned; and *remember* that any attempt to abridge that right, come from what quarter it may, is *usurpation*.

"But (says the Secretary) persons employed under the Government, and paid for their services out of the public treasury, are not expected to take an active or officious part in attempts to influence the minds or votes of others." Uncertain—indefinite—just fit to suit the purposes of despots and tyrants.

What did the honorable Secretary mean? I have a letter before me, said to have been written by a very intimate friend of his—a man who, so far as the finances of the Government are concerned, is in the most responsible station in America; holding at this moment the key of the Treasury of the nation—which affords the best possible illustration, and saves me from the necessity of remarks which I would otherwise pour into the ear of an insulted people.

It is in the following words. I read the correspondence as it appears in a New York paper—

Three weeks subsequent to my removal, Mr. Curtis, without having consulted his associates in the commission, addressed to the present chief clerk a note, of which the following is a true copy, and which note was brought home and handed to me by my son, who, having read it, and holding it in his hand, expressed to said chief clerk a disposition to go home and take the note with him. The comment was, *Very well*.

MY DEAR SIR: I should be glad if you would employ the lad Charles Hunter in the place of Jefferson Young.

I have reason to believe that the political principles of the lad\* are all right, and his appointment would give satisfaction to the district, the ward, the city, and the State in which he lives.

Very respectfully, yours,

June 3d, 1841.

E. CURTIS.

On the 7th instant I addressed a note to Mr. Curtis, of which the following is a copy, and to which I have received no answer:

NEW YORK, June 7th, 1841.

SIR: I would call your attention to the subject-matter of a communication made by you to the clerk of the commission (of which, by virtue of your office as collector, you are chairman) instituted by law of Congress for the benefit of the sufferers by the great fire, &c., for the purpose of ascertaining whether you intend that I should consider it as the basis of my son's removal.

I will add, that he having been recognised by the commissioners as a clerk under their appointment and remuneration, the announcement of his removal should have been made directly to me.

Please address me at O'Hern's, corner of Wall and Nassau streets.

I have the honor to be, &c.

PIERRE A. YOUNG.

EDWARD CURTIS, Esq.

The manner of this removal, Mr. Editor, rather than the fact, induces me to ask, Is this man worthy of the imposing trust confided to him?

Very respectfully, your obedient servant,

PIERRE A. YOUNG..

\* The *lad*, whose "political principles" "are all right," is, as nearly as I can ascertain, about thirteen years old.

P. A. Y.



Here is an illustration of the Secretary's *meaning* in his official, *officious* circular. Has Mr. Curtis been removed; or will he ever be, with the consent of the present Secretary of State? The question involves its own answer, and holds up to every man of sense its own absurdity.

Now; Mr. President, "spoils party" as we were denounced to be from one end of this continent to the other—I ask you, in all candor, did we ever invade the *nursery*? Did we ever arraign the infants, to inflict upon them punishment for political opinions, which they might have imbibed from the lips of their mothers? No, sir; no, sir; we never sunk, notwithstanding all the clamor, to that depth of degradation and disgrace. Falsehood, with all its tongues, never charged it; detraction, on this point, never assailed us. We removed the *men*, but we did not disturb the *infants*. To that circular of the Secretary I shall have occasion to allude hereafter; for the present, and in this connexion, I desire to introduce quotations of another distinguished individual, who has been prolific upon this subject.

*Extracts from Mr. Clay's speech on the sub-treasury bill, in Senate, January, 20, 1840.*

"We have seen, within a few years past, the most extraordinary power asserted and exercised. We have seen, in a free, representative, republican Government, the power claimed by the Executive—and it is now daily enforced—of dismissing all officers of the Government, without any other cause than a mere difference of opinion." \* \* \* \*

"But this is not all. If you call upon the President to state the reasons which induced him, in any particular instance, to exercise this tremendous power of dismissal, wrapping himself up in all the dignity and arrogance of royal majesty, he refuses to assign any reason whatever, and tells you that it is his prerogative."

"And what, sir," the Senator exclaims, "is the consequence of a power so claimed and so exercised?"

He expressed similar views in an electioneering speech at Taylorsville, Hanover county, Virginia, June 27, 1840—being in these words:

"If the President were compelled to expose the grounds and reasons upon which he acted in dismissals from office, the apprehensions of public censure would temper the arbitrary nature of the power, and throw some protection around the subordinate officer. Hence the new and monstrous pretension has been advanced, that, although the concurrence of the Senate is necessary, by the constitution, to the confirmation of an appointment, the President may subsequently dismiss the person appointed, not only without communicating the grounds on which he has acted to the Senate, but without any such communication to the people, for whose benefit all offices are created! And so bold and daring has the executive branch of the Government become, that one of its cabinet ministers, himself a subordinate officer, has contemptuously refused to members of the House of Representatives to disclose the grounds on which he has undertaken to dismiss from office persons acting as deputy postmasters in his department. \* \*

There may be cases occasionally in which the public interest requires an immediate dismissal, without waiting for the assembling of the Senate; but, in all such cases, the President should be bound to communicate fully the grounds and motives of the dismissal. The power would be thus rendered responsible. Without it, the exercise of the power is utterly repugnant to free institutions, the basis of which is perfect responsibility, and dangerous to the public liberty."

Accompanying the nominations made to the Senate during the present session, have the reasons for the removal been assigned in a single instance?

To stop here would be to do great injustice to the Senator from South Carolina, (Mr. PRESTON,) who spoke in the language of eloquence, at the close of the last session, the sentiments of a man determined to abide by previously-conceived opinions, and to vindicate the professions of himself and his party made before the people. In reply to a Senator from Michigan—an able man and worthy friend, now no longer with us—he said :

*“ Alas for poor, frail, fallen human nature ! It is hard to judge a political opponent as we ourselves would be judged.”*

“ This system of proscription is itself to be proscribed. I stand on that ground ; and, so help me God, I will, so far as I am concerned, act upon it. I believe those who are to be at the head of the Government have put themselves upon the same ground. *They come into power, not to divide the spoils of the country among the members of a faction.* When that principle is avowed and followed, we cease from that moment to be a Government and a people : we pass into a conquered nation and a conquering faction, that seizes the power and the forms of government only for the gratification of cupidity and revenge. *Never have I read, in all the pages of political profligacy, a sentiment so detestable as that the Senator has ascribed to us.* Machiavel himself never conceived so foul a maxim, or dared to avow it. The author of ‘ The Prince ’ would blush to utter such a thought.

“ I protest against it ; it is not whig doctrine ; the administration [coming into power] reject and repudiate the infamous maxim, that to the victor belong the spoils. The spoils?—what spoils? The spoils of our common country? The spoils of our brethren and fellow-citizens? Is the country a vanquished country? God forbid. I should as soon think of making spoil out of the possessions of my own family.

*“ I shall resist and denounce all giving of office as a political reward, or turning out of office for mere political opinion.”*

This volume is filled with speeches of yourself and your distinguished associates, embodying opinions and doctrines upon this subject as I have stated them, and as they have been understood by the country for the last ten years. I have before me speeches of the present Secretary of War, and the strong, glowing language of your Attorney General ; but I will not, by further references, waste my own energies or weary your patience.

Was there any single point of policy upon which the popular will was more distinctly expressed in the late Presidential contest, than this? Who could fail to have observed, in listening to the Senator from Kentucky (Mr. CLAY) yesterday, the suddenness with which a change had come over the spirit of his dream, in relation to what can be reasonably inferred from the vote in a popular election as to the opinion of the majority of the people upon any *one* great political question or measure? Why, sir, while that Senator’s powerful appeal to us on this side of the Chamber not to debate, not to deliberate, but to enter up judgment, in obedience to the verdict of the people rendered in November last upon the Independent Treasury, was yet ringing in our ears, we heard him, with equal earnestness and power, arguing to satisfy the Senator from Virginia (Mr. RIVES) that when General Jackson put his veto upon the bank bill in 1832, sent to him by overwhelming majorities in both Houses, upon the very eve of an election,—when he put that issue boldly and distinctly in his veto mes-



sage, and went before the people only to receive the outgushing expression of their approbation, confidence, and gratitude,—the popular vote could not be safely or properly taken as evidence of the opinion of the nation upon that particular measure. Why? Because, in the judgment of the Senator, it was impossible to separate that issue from the variety of issues, motives, and inducements, which had their weight in that contest. I am not now, sir, to controvert this position; but, in November last, was not this question of removals from office for opinion's sake put forward and pressed everywhere, and in many places, to the almost entire exclusion of every other question? “Down with executive usurpation”—“emancipation to office-holders”—was proclaimed from the platform, floated upon your banners, teemed through your press.

Do not misunderstand me, sir. I do not mean to say that this, or any other issue involving great national questions, was made by your party before the country in the late contest. You presented *none* in resolutions or addresses from your great national conventions; but, instead of them, you resorted to all sorts of *instrumentalities*. With a steady and persevering aim and purpose, you drew away the public mind from matters of national concernment to exhibitions, shows, and displays, designed to catch the public eye, inflame the imagination, and *calculated* to take possession of the lowest and worst passions of the lowest and most degraded portion of our countrymen. I shall not allude more particularly to those *instrumentalities*. While I never think of them without shame for my country—without a deep conviction that if they shall not be rendered *infamous* in the eyes of this people, their liberties are in imminent danger,—I shall remember with pride, to the latest day of my life, that they were brought to the wrong market in *one* New England State.

But, to the circular of the Secretary of State. The rule (if any really exist) is a *nullity* as it is administered—a fact known to every man in this chamber, whatever may be professed before the people; but, in my judgment, it is absurd in any point of light in which it can be regarded, and its promulgation an insult to the intelligence and common sense of the people of this country. It may—from its very nature, it will—our experience shows us that it *is*—made to mean much or little—anything, everything, or nothing, to suit the determination of the Executive and the wishes of the expectant. I am no advocate for the interference of public officers in popular elections. It has been my good fortune not to witness such interference. Their active labors beyond their vote, and the fair and just expression of their opinion, always have been, and, in the nature of things, always *must* be, productive of more harm than benefit to the cause they desire to sustain. I refer gentlemen around me to their knowledge of human nature, and to the proper and commendable jealousy, on this point, of the people in all sections of this country. Whatever may be said here, or elsewhere, every man knows, who has mingled with the multitude, and consequently must be aware of that spirit of jealousy, what, in this particular, is the interest of the party in power. There is but one sensible practical rule upon this subject. If the discretion of the office-holders will not observe it, let them feel the effect of it.

It is this: When a public officer neglects the duties of his office for political purposes, prostitutes it for political ends, or in any way abuses the trust confided to him, to promote the objects of a party, *he should be removed*; and, so far as I know, my party yield to that principle their cor-

dial assent. But when you transcend this, you assail the public officer in the free and unembarrassed exercise of his inalienable rights secured to him by the constitution *as a man and a citizen*. If it be not a paradox in terms, the rule of the Secretary is a striking instance of its own violation. Every man sees, at a single glance, how unequally it must operate in the very nature of things. Opponents deposed—friends appointed in their places—the reverse *never*. No administration that has ever held the reins of Government, or that ever will, can afford to turn out the public officers who prudently, but openly, in the exercise of their undeniable rights, have done all within their scope to sustain the power that conferred upon them place. I did not propose in these remarks to cite instances, and shall not. But do you not know, sir, that some gentlemen holding public offices, on your side, have written electioneering letters, that have been published from one end of the Union to the other? Have they been removed? No, sir. Will they be removed? No, sir. I answer with confidence, and add, that I should deplore to see some of them removed for this exercise of the privilege which belongs to the man and the citizen. A single instance to this point I must be permitted to introduce. The late district attorney of the State of New Hampshire was one of the most able, eloquent, and efficient advocates of the late administration. The clerk of the district court was also a gentleman of high energies and ability; he was also before the people exerting all his powers against that administration. What has been the operation of your rule? The district attorney promptly removed. I saw him retire from office at our commercial capital with grace last spring. The clerk retired also—not by removal, but by resignation—to accept, on the ground of character and services, the best office, probably, in that State.

What do we witness here daily—here, under our own eyes, and within the scope of our own personal observation? The highest officers of the Government—the constitutional advisers of the President—engaged, if I can be permitted to refer to the number of *executive* communications upon your table, in the violation of their own rule.

I can prove, in many instances, that they have put down their political opponents *solely* to raise their political friends. I do not merely hope for, but I anticipate, the privilege of doing this with open doors; and I tell my people from my place here, if we do not do it, it will be because light is shut out—open doors forbidden by a power which we cannot control. To what but this is the Postmaster General devoting his time and energies? The same thing is going on, through the instrumentality of the higher officers, in all the cities. The principle of proscription for opinion's sake, not stopping with men, but extending, as appears from *the manly and high-toned letter* of the New York collector, to the *children*; and yet, while the whole country is in commotion by the *falsification* of your professions, and the removing power exercised by the Executive upon political grounds alone, the people are insulted by this miserable and gauze-like pretence of the Secretary's circular. High public functionaries, the Secretaries, collectors, &c., are not only to express their opinions, and to exercise such political influence as may suit their taste and convenience; but they are authorized, and, it would seem, expected, to turn out all their political opponents in subordinate places, who presume to exercise the like privilege of thought and action. To bring the case home, and make the point upon the spot. The day laborer here, under the eye of the Executive,



at work upon the public buildings, if he has dared to lisp his political sentiments, is arraigned before an extraordinary (and, from what I have heard of it, in my judgment unauthorized) *star-chamber* tribunal, and his liberty of speech and of action visited with the sentence that he must wipe the perspiration from his damp brow in other service, and seek bread for his wife and children where he can find it. The application of this rule must, according to your notions, sir, in the nature of things, be what you have so eloquently denounced "absolute, unincumbered despotism."

Democratic administrations have turned out some—many, if you please—political opponents, to give place to political friends; and on the single ground that they had the right and power to prefer their friends to their opponents. But, on this point, let me observe that no man can say, from his individual knowledge, how it is over the whole country; but here we *can* know, and here we *do* know the fact, that a majority of the subordinate officers in the executive departments have, during the last twelve years, been opposed to General Jackson's and Mr. Van Buren's administrations. They were faithful and competent officers, I believe; at all events, they were not reached by our spirit of proscription. Where for the last twelve years your political friends have enjoyed a majority of the places, how have our friends been treated now that the tables are turned? They have not escaped your sharper and broader axe, wielded against your open and universal professions. But, whatever was done by the late administrations, was not done under false pretences. We put forth no caunting hypocritical circulars; we stood before the nation and the world on the naked, unqualified ground that we preferred our friends to our opponents; that to confer place was our privilege, which we *chose* to exercise. I ought not to say *we chose*, sir; for I will say—what those friends best acquainted with me know—that there was nothing in the administration of General Jackson which I so uniformly failed to justify as the removal of one worthy officer to give place to another. But, that removals have occurred, is not the thing of which I complain. I complain of your hypocrisy. I charge that your press and your leading orators made promises to the nation which they did not intend to redeem, and which they now vainly attempt to cover up by cobwebs. The Senator from South Carolina near me (Mr. CALHOUN) remarked, yesterday, that he had no language to express the *infamy* which, in his judgment, must attach to that man who had been before the people raising his voice in the general shout that proscription was to be proscribed, and was, in the face of such action, now here begging for place at the footstool of power. If my heart ever responded fully, unqualifiedly, to any sentiment, it was to that. Fortunately, before the keen scrutiny of our countrymen, disguises are vain, masks unavailing. The *practice* of the present administration has already fixed upon its *professions* one of two things—the stamp either of truth or of falsehood; the people will judge which.

One word more, and I leave this subject—a painful one to me, from the beginning to the end. The Senator from North Carolina, in the course of his remarks the other day, asked, "Do gentlemen expect that their friends are to be retained in office against the will of the nation? Are they so unreasonable as to expect what the circumstances and the *necessity* of the case forbid?" What our expectations were, is not the question now; but what were your pledges and promises before the people. On a previous occasion, the distinguished Senator from Kentucky (Mr. CLAY) made a

similar remark: "*An ungracious task, but the nation demands it.*" Sir, this demand of the nation—this plea of "*State necessity*," let me tell gentlemen, is as old as the history of wrong and oppression. It has been the standing plea—the never-failing resort of despotism.

The great Julius found it convenient, when he restored the *dignity* of the Roman Senate, but destroyed its *independence*. It gave countenance to, and justified, all the atrocities of the inquisition in Spain. It gave utterance to the stifled groans from the black hole of Calcutta. It was written in tears upon "the Bridge of Sighs" in Venice; and pointed to those dark recesses, upon whose gloomy portals there was never seen a returning footprint.

It was the plea of the austere and ambitious Strafford in the days of Charles the First. It filled the Bastille of France, and lent its sanction to the terrible atrocities perpetrated there. It was this plea that snatched the mild, eloquent, and patriotic Camille Desmoulins from his young and beautiful wife, and hurried him upon the hurdle to the guillotine, with thousands of others equally unoffending and innocent. It was upon this plea that the greatest of generals, if not of men—you cannot mistake me—I mean him, the presence of whose very ashes within the last few months was sufficient to stir the hearts of a continent,—it was upon this plea that he abjured that noble wife who threw around his humble days light and gladness, and, by her own lofty energies and high intellect, encouraged his aspirations. It was upon this plea that he committed that worst and most fatal act of his eventful life. Upon this, too, he drew around his person the imperial purple. It has in all times, and in every age, been the foe of liberty, and the indispensable stay of usurpation.

Where were the chains of despotism ever thrown around the freedom of speech and of the press, but on this plea of "*State necessity*?" Let the spirit of Charles the Tenth and of his ministers answer.

It is cold, selfish, heartless; and has always been regardless of age, sex, condition, services, or any of the incidents of life that appeal to patriotism or humanity.

Wherever its authority has been acknowledged, it has assailed men who stood by their country when she needed strong arms and bold hearts; and has assailed them when, maimed and disabled in her service, they could no longer brandish a weapon in her defence.

It has afflicted the feeble and dependent wife for the imaginary faults of the husband.

It has stricken down innocence in its beauty, youth in its freshness, manhood in its vigor, and old age in its feebleness and decrepitude. Whatever other plea or apology may be set up for the sweeping, ruthless exercise of this civil guillotine at the present day,—in the name of LIBERTY, let us be spared this fearful one of "*State necessity*" in this early age of the Republic, upon the floor of the American Senate, in the face of a people yet free.